

FILED

23-CR-135
Judge Shah
Magistrate Judge Cox

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAR 06 2023 SMB

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

DAMANDRE HENLEY and
DWIGHT HASBERRY

Violations: Title 18, United States Code,
Sections 371, 1951(a)(1), 924(c)(1)(A),
2119, and 922(g)

COUNT ONE

The SPECIAL MAY 2022 GRAND JURY charges:

1. Beginning on or about September 28, 2022 and continuing until on or about September 29, 2022 at Chicago, in the Northern District of Illinois, Eastern Division,

DAMANDRE HENLEY and
DWIGHT HASBERRY,

defendants herein, did conspire with each other, and with others known and unknown to the Grand Jury:

a. with intent to cause death and serious bodily harm, to take by force, violence, and intimidation a motor vehicle that had been transported, shipped, and received in interstate commerce from the person and presence of another, in violation of Title 18, United States Code, Section 2119;

b. to obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, by robbery, as "commerce" and "robbery" are defined in Title 18, United States Code, Section 1951(b), in violation of Title 18, United States Code, Section 1951(a);

2. It was part of the conspiracy that the defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury, agreed to take by force and violence and intimidation a vehicle that had been transported, shipped, or received in interstate commerce.

3. It was further part of the conspiracy that the defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury, agreed to rob the 7-Eleven at 2900 W. Montrose in Chicago in the Northern District of Illinois.

4. It was further part of the conspiracy that the defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury, did conceal and hide, and cause to be concealed and hidden, the purposes of acts done in furtherance of the conspiracy.

OVERT ACTS

5. In furtherance of the conspiracy and to accomplish the objectives of the conspiracy, defendants committed one or more overt acts in the Northern District of Illinois, and elsewhere, which overt acts included but were not limited to the following:

- a. On or before September 28, 2022, defendants DAMANDRE HENLEY and DWIGHT HASBERRY obtained firearms, masks, and gloves;
- b. On or about September 28, 2022, in Chicago, DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the

Grand Jury, traveled to the 800 block of West Erie, in Chicago, in a gold Nissan Altima;

- c. On or about September 28, 2022, in Chicago, defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury, possessed and brandished firearms at Victim A and Victim B;
- d. On or about September 28, 2022, in Chicago, defendants, DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury, took Victim A's vehicle, namely a 2021 Volkswagen Tiguan bearing license plate CW49656, from the presence of Victim A and Victim B by force, violence, and intimidation;
- e. On or about September 29, 2022, in Chicago, defendants DAMANDRE HENLEY AND DWIGHT HASBERRY, and others known and unknown to the Grand Jury brandished firearms at Victim C and took his backpack at gunpoint;
- f. On or about September 29, 2022, in Chicago, defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury entered the 7-Eleven and brandished firearms at Victim D;
- g. On or about September 29, 2022, in Chicago, defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown

to the Grand Jury robbed the 7-Eleven of cash and merchandise at gunpoint; and

- h. On or about September 29, 2022, in Chicago, defendants DAMANDRE HENLEY and DWIGHT HASBERRY, and others known and unknown to the Grand Jury used the backpack and the Tiguan to remove the stolen merchandise and cash from the 7-Eleven.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

The SPECIAL MAY 2022 GRAND JURY charges:

On or about September 28, 2022, at Chicago, in the Northern District of Illinois, Eastern Division,

DAMANDRE HENLEY and
DWIGHT HASBERRY,

defendants herein, and others known and unknown to the Grand Jury, with intent to cause death and serious bodily harm, took by force, violence, and intimidation a motor vehicle, namely a 2021 Volkswagen Tiguan, that had been transported, shipped, and received in interstate commerce from the person and presence of Victim A and Victim B;

In violation of Title 18, United States Code, Sections 2119 and 2.

COUNT THREE

The SPECIAL MAY 2022 GRAND JURY further charges:

On or about September 28, 2022, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAMANDRE HENLEY and
DWIGHT HASBERRY,

defendants herein, did use, carry, and brandish a firearm during and in relation to a crime of violence for which they each may be prosecuted in a court of the United States, namely carjacking, in violation of Title 18, United States Code, Section 2119, as charged in Count Two of this Indictment;

In violation of Title 18, United States Code, Section 924(c)(1)(A) and 2.

COUNT FOUR

The SPECIAL MAY 2022 GRAND JURY further charges:

On or about September 29, 2022, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAMANDRE HENLEY and
DWIGHT HASBERRY

defendants herein, did obstruct, delay, and affect “commerce,” as defined in Title 18, United States Code, Section 1951(b), and the movement of articles and commodities in commerce by robbery, in that the defendants did unlawfully take and obtain cash and merchandise from the person and in the presence of an employee of 7-Eleven, located at 2900 W. Montrose in Chicago, Illinois, against the employee’s will, by means of actual and threatened force, and fear of injury to that employee;

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIVE

The SPECIAL MAY 2022 GRAND JURY further charges:

On or about September 29, 2022, in the Northern District of Illinois, Eastern Division, and elsewhere,

DAMANDRE HENLEY and
DWIGHT HASBERRY

defendants herein, did use, carry, and brandish a firearm during and in relation to a crime of violence for which they each may be prosecuted in a court of the United States, namely robbery affecting commerce, in violation of Title 18, United States Code, Section 1951(a), as charged in Count Four of this Indictment;

In violation of Title 18, United States Code, Section 924(c)(1)(A) and 2.

COUNT SIX

The SPECIAL MAY 2022 GRAND JURY further charges:

On or about September 29, 2022, at Chicago, in the Northern District of Illinois, Eastern Division,

DAMANDRE HENLEY,

defendant herein, knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, namely a Canik, Model TP9SF, 9mm pistol bearing serial number 21AT05847, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm;

In violation of Title 18, United States Code, Sections 922(g)(1).

FORFEITURE ALLEGATION

The SPECIAL MAY 2022 GRAND JURY further alleges:

1. The allegations contained in this Indictment are incorporated here by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of their violations of Title 18, United States Code, Sections 924(c)(1)(A), 2119, and 1951(a), as alleged in the foregoing Indictment

DAMANDRE HENLEY and
DWIGHT HASBERRY,

defendants herein, shall forfeit to the United States, pursuant to Title 18 United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any and all right, title, and interest he may have in any property involved in the charged offense.

3. The interest of the defendant subject to forfeiture pursuant to Title 18 United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), includes but is not limited to property seized on or about September 29, 2022 including:

- a. a Canik, Model TP9SF, 9 caliber pistol bearing serial number 21AT05847 and associated ammunition;
- b. a Smith & Wesson, M&P Shield, 9ez, 9mm with a blue steel finish bearing serial number NKC2757 and associated ammunition; and

c. U.S. currency in the amount of \$560;

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY